
SCOTTISH STATUTORY INSTRUMENTS

2022 No. 184

**The Adults with Incapacity (Public
Guardian's Fees) (Scotland) Regulations 2022**

Exemption of certain persons from fees: social security

- 4.—(1) A fee prescribed by these Regulations is not payable by a person if—
- (a) the person or the person's partner is in receipt of income support under the Social Security Contributions and Benefits Act 1992(1),
 - (b) the person is in receipt of an income-based jobseeker's allowance under the Jobseekers Act 1995(2),
 - (c) the person or the person's partner ("the party") is in receipt of guarantee credit under the State Pension Credit Act 2002(3),
 - (d) the person or the person's partner is in receipt of working tax credit, provided that—
 - (i) child tax credit is being paid to the party, or otherwise following a claim for child tax credit made jointly by the members of a couple (as defined in section 3(5A) of the Tax Credits Act 2002(4)) which includes the party, or
 - (ii) there is a disability element or severe disability element (or both) to the tax credit received by the party,and that the gross annual income taken into account for the calculation of the working tax credit is £20,592 or less,
 - (e) the person or the person's partner is in receipt of income-related employment and support allowance under the Welfare Reform Act 2007(5),
 - (f) the person is in receipt of universal credit under Part 1 of the 2012 Act,
 - (g) the person is in receipt of either—
 - (i) personal independence payment under Part 4 of the 2012 Act, or
 - (ii) adult disability payment within the meaning given in regulation 2 of the Disability Assistance for Working Age People (Scotland) Regulations 2022(6),provided that the person's gross annual income is £20,592 or less, or

(1) 1992 c. 4. Section 124, which provides for income support, was amended by schedules 2 and 3 of the Jobseekers Act 1995 (c. 18); paragraph 28 of schedule 8 of the Welfare Reform and Pensions Act 1999 (c. 30); schedules 2 and 3 of the State Pension Credit Act 2002 (c. 16); paragraph 42 of schedule 24 of the Civil Partnership Act 2004 (c. 33); schedules 3 and 8 of the Welfare Reform Act 2007 (c. 5); section 3 of the Welfare Reform Act 2009 (c. 24), and paragraph 1 of schedule 14 of the Welfare Reform Act 2012 (c. 5).

(2) 1995 c. 18.

(3) 2002 c. 16.

(4) 2002 c. 21. Paragraphs (a) and (b) of section 3(5A) were substituted for paragraphs (a) to (d) by paragraph 23(2) of schedule 3 of S.I. 2019/1458. Section 3(5A) was substituted for section 3(5) and (6) by paragraph 144(3) of schedule 24 of the Civil Partnership Act 2004 (c. 33). Part 1 of the Tax Credits Act 2002 was repealed by paragraph 1 of schedule 14 of the Welfare Reform Act 2012 subject to savings provisions in S.I. 2019/167.

(5) 2007 c. 5.

(6) S.S.I. 2022/54.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (h) the person or the person’s partner has, within the period of 3 months prior to the date the prescribed fee would be payable but for this exemption, received financial or other assistance under the Welfare Funds (Scotland) Act 2015⁽⁷⁾.
- (2) In this regulation—
- “partner” means a person to whom a person is married or with whom the person is in a civil partnership,
- “the 2012 Act” means the Welfare Reform Act 2012⁽⁸⁾.

(7) 2015 asp 5.
(8) 2012 c. 5.